



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Acting Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2106916

**Applicant Name:** Erfan Yazdidoost

**Address of Proposal:** 5421 21<sup>st</sup> Avenue SW

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide two (2) parcels of land into four (4) parcels in an environmentally critical area. The existing house located on proposed Parcel B will remain.

The following approvals are required:

Short Subdivision - To divide two parcels into four parcels of land.  
Seattle Municipal Code (SMC) Chapter 23.24

SEPA - Environmental Determination - (Chapter 25.05, Seattle Municipal Code)

**SEPA DETERMINATION:**      ☐ Exempt   ☒ DNS   ☐ MDNS   ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or  
   involving another agency with jurisdiction.

## **BACKGROUND DATA**

### *Site Location and*

*Description:* The underlying parcels are located approximately 150 feet south of SW Brandon Street between 21<sup>st</sup> Avenue SW and 23<sup>rd</sup> Avenue SW. The property has frontage on both 21<sup>st</sup> Avenue SW and 23<sup>rd</sup> Avenue SW.

*Zoning:* Single Family 5000 (SF 5000)

*Parcel Size:* 43,560 square feet total (1 Acre)

*Existing Use:* The northern underlying lot is currently developed with one single family structure. The southern underlying parcel is currently undeveloped.

*Surrounding Uses:*

Northeast:	Developed with Single Family residences zoned SF 5000
Northwest:	Developed with Single Family residences zoned SF 5000
Southeast:	Developed with Single Family residences zoned SF 5000
Southwest:	Developed with Single Family residences zoned SF 5000

### **Proposal Description**

Master Use Permit to subdivide two (2) parcels of land into four (4) parcels in an environmentally critical area. The existing house located on proposed Parcel B will remain. Proposed parcel sizes are approximately:

- Parcel A: 11,760 square feet
- Parcel B: 10,890 square feet
- Parcel C: 10,960 square feet
- Parcel D: 9,950 square feet

Vehicular and pedestrian access to proposed Parcels B and D will be from 21<sup>st</sup> Avenue SW. Vehicular and pedestrian access to proposed Parcels A and C will be from 23<sup>rd</sup> Avenue SW.

### **Public Comments**

The comment period for this proposal ended December 26, 2001. One comment was received from a neighbor concerned that a drainage ditch between his property and the applicant's (along the applicant's northernmost proposed parcel lines) might be filled in conjunction with construction on the applicant's property.

### **Analysis of Public Comments**

The DCLU drainage reviewer addressed the existing drainage ditch along the east side of 23<sup>rd</sup> Avenue SW in his review (see file). He recommends that all four proposed lots use this ditch as

outfall for stormwater, subject to conditions. There is nothing in the applicant's proposal or in the project review comments that suggest that the ditch in question will be abandoned or filled.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.40, no short plat shall be approved unless all of the following conditions are found to exist. The findings, which follow, are based on information provided by the applicant, referral comments from DCLU, Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review of the proposal by the Land Use Planner.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Whether the proposal is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Townhouse Unit Subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses.*

Based on information provided by the applicant, referral comments from DCLU, Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review of the proposal by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

#### 1. Conformance with Seattle Municipal Code Provisions

The site is located within the Single Family 5000 zone (SF 5000). The minimum lot size allowed is 5,000 square feet, and the minimum lot size proposed is at least 5,000 square feet after deducting the on-site critical area.

This proposal will divide the subject parcel into four (4) new lots as follows:

- |                                      |                        |
|--------------------------------------|------------------------|
| ▪ Parcel A: 11,760 square feet gross | 6,020 square feet net  |
| ▪ Parcel B: 10,890 square feet gross | 10,890 square feet net |
| ▪ Parcel C: 10,960 square feet gross | 5,080 square feet net  |

- Parcel D: 9,950 square feet gross                      9,920 square feet net

The resulting lot area is at least 5,000 square feet for each of the proposed lots. Therefore, the parcels created by the proposed subdivision of land satisfy the minimum lot area requirement of the underlying zone.

The subdivision of this lot allows the existing single family residence on proposed Parcel B to remain, in conformance with all zoning requirements. Proposed Parcels A, C and D contain adequate area on which to construct one (1) new single family dwelling each consistent with the requirements of the Code.

Therefore, the proposal meets all applicable requirements of the Land Use Code and Policies.

## 2. Adequacy of Access for Vehicles, Utilities and Fire Protection

DCLU has circulated this proposed Short Subdivision to all city agencies with jurisdiction for review of utilities, access, and fire protection. All utilities are presently extended to the site and any changes in services would require approval of the respective utility.

Vehicular and pedestrian access to proposed Parcels B and D will be from 21<sup>st</sup> Avenue SW. Vehicular and pedestrian access to proposed Parcels A and C will be from 23<sup>rd</sup> Avenue SW.

Seattle City Light has approved the proposal as submitted with no further comment.

Captain Jeffrey A. Hayes of the Seattle Fire Department has reviewed and approved the application without comments.

Therefore, the proposed subdivision provides adequate access for vehicles, utilities, and fire protection.

## 3. Adequacy of Drainage, Water Supply, and Sanitary Sewage Disposal

This area is served with public storm drainage, domestic water, and sanitary sewer by the City of Seattle.

There is a ditch and culvert system located on the east side of 23<sup>rd</sup> Avenue SW. This area is within the Longfellow Creek Drainage Sub-basin. According to the DCLU drainage reviewer, this system would be sufficient for stormwater discharge from all four proposed lots. Proposed lots B and D are now developed.

Availability of water service is assured by Seattle Public Utilities Water Availability Certificate No. 2001-1260 issued December 5, 2001 provided any required easements from the Water Availability Certificate are recorded with the short plat.

Sanitary Sewer and Drainage review indicates that there is adequate access to sewer. The existing structure located on proposed Parcel B is connected by means of a single side-sewer to an 8-inch public sanitary sewer (PSS) located beneath the right-of-way for 21<sup>st</sup> Avenue SW. There is also an 8-inch PSS located beneath the right-of-way for 23<sup>rd</sup> Avenue SW.

Therefore, the proposed subdivision provides adequate provisions for water supply, and sanitary sewer disposal.

4. Service of the Public Use and Interests

The short subdivision proposal is consistent with these Single Family development regulations, has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal.

Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood.

5. Conformance with Provisions for Environmentally Critical Areas

This site is located in an environmentally critical area. The westerly portion of the proposed short plat is mapped as ECA-8 Known Slide. The applicant's geotechnical consultant has analyzed the proposal and the site, and has prepared a report and recommendations regarding this issue. It is the geotechnical consultant's opinion that the proposed residences can be safely built and occupied without adversely affecting the stability of the slope, provided the geotechnical recommendations are followed. Thus, a non-appealable ECA condition is made to require the applicant's geotechnical consultant to provide recommendations for specific buildings before individual building permits may be issued.

Per SMC 25.09.240.A, the applicant must record covenants that restrict development to areas specified on the approved site plan as unencumbered with critical areas or their associated buffers. As such, a condition is made to require said covenants be added to the final short plat per the requirements of SMC 25.09.240. Therefore, conformance with the provisions of the SMC Environmentally Critical Areas code will have been met with regards to this Short Subdivision application.

6. Tree Retention

Tree coverage on this property is as follows: the applicant's surveyor located approximately 70 trees on the subject site. These trees exist throughout the site. Among the species surveyed are: maple, madrona, fir, alder, and several deciduous species.

The locations of the trees on proposed Parcel D are such that structures can be built without removal of the existing trees. The locations of the trees on proposed Lots A and C are such that some trees will likely have to be removed in order to build homes. However, steep slopes located on site limit the area available on each proposed lot for building. Therefore, it is not

expected that the builder will have much choice regarding house placement. Although some trees will be removed during site preparation and construction, most of the currently existing trees on site are located in unbuildable areas. None of the trees which might be removed appear to be considered as exceptional. Therefore, the proposed subdivision is designed in such a way as to maximize the retention of existing trees.

7. Conformance to the provisions of Section 23.24.045, Townhouse Unit Subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses.

This short plat does not involve a unit subdivision; therefore, these provisions are not applicable.

### **SUMMARY - SHORT SUBDIVISION**

The lots to be created by this Short Plat, as conditioned, will meet all standards of the Single Family 5000 zone set forth in the Land Use Code. This short subdivision can be provided with vehicular access, and public and private utilities and access for emergency vehicles. Adequate provisions for water supply, drainage control, and sanitary sewage disposal have been provided for each parcel and service is assured, subject to standard conditions governing utility extensions. Therefore, the short subdivision meets all applicable provisions of Section 23.24.040 for Short Plats.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **APPROVED WITH CONDITIONS.**

### **ANALYSIS - SEPA**

The proposal site is located in a landslide-prone critical area. Thus, the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws. Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 27, 2001. The basis for this analysis and decision was formed utilizing information presented in the SEPA checklist, public comment, and the experience of the lead agency with review of similar projects.

The Department of Design, Construction and Land Use has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment and certain neighborhood plans and other policies explicitly reference, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

#### Short-Term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; 2) decreased air quality due to increased dust and other suspended air particulates during excavation and construction; 3) increased noise and vibration from construction operations and equipment; 4) increased traffic and parking demand from construction personnel; 5) blockage of streets by construction vehicles/activities; 6) conflict with normal pedestrian movement adjacent to the site; and 7) consumption of renewable and non-renewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (Section 25.05.794, SMC). Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way); 2) Building Code (construction measures in general); and 3) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

The site is located in mapped landslide-prone environmentally critical areas. In compliance with Director's Rule 3-93, "Requirements for Permitting Construction in Potential Slide Areas," the applicant submitted a geotechnical report and a subsequent addendum prepared by Geo Group Northwest, Inc. dated January 29, 2001 and July 8, 2002 respectively. The reports detail the site conditions, and state that conclusions and recommendations specific to each new building site will be provided at building permit review. Construction in compliance with these conclusions and recommendations, together with compliance with all applicable provisions of the Critical Area Ordinance will adequately mitigate expected earth impacts. No further mitigation in this regard pursuant to SEPA is warranted. (Certain non-appealable ECA requirements pursuant to building permit related geotechnical recommendations and the Critical Area Ordinance have been stated below.)

### Long-Term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces; 2) increased bulk and scale on the site; 3) increased traffic and parking demand due to additional residents; 4) minor increase in airborne emissions resulting from additional traffic; 5) minor increase in ambient noise due to increased human activity; 6) increased demand on public services and utilities; 7) increased light and glare; and 8) increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of this type of development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Land Use Code (aesthetic impacts, height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption).

The other impacts not noted here as mitigated by codes or conditions (increased ambient noise; increased demand on public services and utilities; increased airborne emissions; increased light and glare) are not sufficiently adverse to warrant further mitigation by condition.

### DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).



- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS - ECA**

#### **Non-Appealable ECA Conditions**

In addition to complying with all other applicable ECA requirements, the owner(s) and/or responsible party(s) shall be granted a Limited Exemption from the SMC ECA code per the provisions of SMC 25.09180.D.4 subject to the following conditions:

1. A geotechnical report containing recommendations specific to the construction of newly proposed homes shall be submitted with the required building permit applications.

### **CONDITIONS – SHORT SUBDIVISION**

#### **Prior to Recording**

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned.
2. Per SMC 25.09.240.A, the applicant shall record covenants with the final short plat that restrict development to the areas specified on the approved site plan as unencumbered with critical areas or their associated buffers per the requirements of SMC 25.09.240.
3. Submit the final recording forms for approval and any necessary fees.

Signature: \_\_\_\_\_ (signature on file) Date: March 10, 2003  
John Bissell, AICP, Contract Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services

JS:vr